

REMARKS

Reconsideration of the present application is requested. Following a Final Action, Applicants presented a request for reconsideration. This request was said to raise new issues, so Applicants filed the present RCE application, incorporating the amendment to claim 1 that had been presented in the request for reconsideration.

In view of Applicants' amendment to claim 1, a new interpretation of the previously cited Beller reference has applied in support of an anticipation rejection of the pending claims. In this new interpretation, the mixing element 4 of Beller is now regarded as the nozzle recited in Applicants' claim 1.

It is first noted that the Beller reference is written in German, with the exception of the Abstract. Applicants have been unable to find an English translation of the body of this PCT application.

The Beller Abstract simply refers to the element 4 as "at least one carrier element (4) which at the same time works as a mixing element". There is nothing in the Abstract that describes this carrier element (4) as "configured to increase the flow velocity of a fluid passing therethrough", as required by Applicants' claim 1. Since the specification of the reference is in German, Applicants have no way of determining whether the written description somehow describes the carrier element in a way that can anticipate Applicants' claim 1. It must therefore be assumed that the anticipation rejection is based either on the general appearance of the element as having a tapered tip, presumably in the form of a nozzle, or on conjecture as to the actual structure of the element 4 of Beller. Either approach is an improper basis for an anticipation rejection which requires that every element of the claim be identically disclosed in the prior art reference.

Based only on the appearance of the element 4, it appears that the element is nothing like a nozzle as that term is commonly understood and as that term is used in Applicants' claims. Moreover, using an on-line translation service, Applicants' found that the term "Drahtgeflecht" referring to element 40 in Figure 4 of Beller translates to "wire mesh", which is consistent with the appearance of the element as drawn. Absent a complete translation of Beller Applicants cannot

speculate as to why this wire mesh element has a tapered tip 41. However, it can be safely concluded that there is nothing in the scant English description for this reference that supports a conclusion that the wire mesh is somehow "configured to increase the flow velocity of a fluid passing therethrough", as required by Applicants' claim 1.

The purported anticipation rejection in view of Beller is improper since it is based only on conjecture as to the structure of the element 4. It is well settled that anticipation requires that each element be identically disclosed in the prior art. It is further well settled that mere conjecture as to the structure of a prior art reference is insufficient to support an anticipation rejection. Finally, based on the little English information available for the Beller reference, it appears that the element 4 is clearly not a nozzle as that term is commonly understood and as that term is used in Applicants' claims.

It is believed that Applicants have traversed this latest attempt to reinterpret the Beller reference. There is no support for rejecting Applicants' claims as anticipated or rendered obvious by the Beller reference. Applicant requests withdrawal of this rejection and passage of this application to issuance.

Respectfully submitted,

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